

# **AQUATIC INVASIVE SPECIES POSSESSION RULES**

## **312 IAC 9-6-7 Exotic fish**

Authority: IC 14-22-2-6

Affected: IC 14-22-2-3

Sec. 7. (a) Except as otherwise provided under this section, a person must not import, possess, propagate, buy, sell, barter, trade, transfer, loan, or release into public or private waters any of the following live fish or fry of live fish or their viable eggs or genetic material:

- (1) Exotic catfish.
- (2) Bighead carp.
- (3) Black carp.
- (4) Silver carp.
- (5) White perch.
- (6) Snakehead.
- (7) Rudd.
- (8) Ruffe.
- (9) Tubenose goby.
- (10) Round goby.
- (11) A hybrid or genetically altered fish of any of these species.

(b) A person who takes a fish listed in subsection (a) does not violate this section if the fish listed in subsection (a) is killed immediately upon capture.

(c) This section does not apply to the following:

- (1) The use of a fish by a properly accredited zoological park as defined in 312 IAC 9-5-8(i).
- (2) During the lawful interstate shipment of fish through the state if the fish are not unloaded or do not leave the control of a common carrier.
- (3) A person who lawfully possesses an exotic fish under a permit issued under 312 IAC 9-10-17 for medical, educational, or scientific purposes.

(d) A person who possesses federally listed injurious species must also comply with 18 U.S.C. 42 and 50 CFR 16.

*(Natural Resources Commission; 312 IAC 9-6-7; filed May 12, 1997, 10:00 a.m.: 20 IR 2716; filed May 28, 1998, 5:14 p.m.: 21 IR 3719; filed Jul 23, 2003, 10:30 a.m.: 26 IR 3868; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)*

## **312 IAC 9-9-3 Mussels**

Authority: IC 14-22-2-6; IC 14-22-17

Affected: IC 14-22-17-3

Sec. 3. (a) This section applies to a person who takes, ships, sells, buys, or exports mussels or mussel shells.

(b) Except as otherwise provided under this section, it is unlawful to take mussels and mussel shells from the waters of this state.

(c) It is unlawful to possess mussels or mussel shells except as provided in this section.

(d) It is unlawful to import, possess, or release into public or private waters, a zebra mussel, quagga mussel (*Drissena* sp.), or Asiatic clam (*Corbicula* sp.).

(e) A person who takes a mussel listed in subsection (d) does not violate this section if the mussel taken is killed immediately upon capture.

(f) A person may possess a live mussel listed in subsection (d) if the mussel is held under a permit issued under 312 IAC 9-10-6.

(g) No license under IC 14-22-17-3(1) or IC 14-22-17-3(3) shall be issued to take, ship, sell, buy, or export mussels or mussel shells.

(h) A person may obtain a license under IC 14-22-17-3(2) only if the person establishes that the person:

- (1) Held a valid 1991 license issued under IC 14-22-17-3(2).
- (2) Held a valid license issued under IC 14-22-17-3(2) for the year immediately before the year for which the new license is sought.
- (3) Meets all other requirements of this article and IC 14-22.

- (i) A person issued a license under IC 14-22-17-3(2) shall not possess mussels or mussel shells unless the following requirements are satisfied:
- (1) The mussels or mussel shells were lawfully taken.
  - (2) The mussels or mussel shells were received from:
    - (A) a person who presented a valid buyer's license issued under IC 14-22-17-3(2);
    - (B) a valid out-of-state license to buy mussels; or
    - (C) a valid out-of-state license to take mussels.
- (j) A person issued a license under IC 14-22-17-3(2) must maintain accurate and current records of each of the following:
- (1) The name, address, date of delivery, license number, and the state where the license is held for each person from whom mussels or mussel shells are received.
  - (2) The species, pounds for each species, and the price paid for each species of mussel or mussel shells received.
- (k) The records required under subsection (j) must be retained by the license holder for at least two (2) years after the end of the license year.
- (l) A person issued a license under IC 14-22-17-3 must, at any reasonable time, submit to an inspection by the division or by a conservation officer of the following:
- (1) Any mussels possessed by the person.
  - (2) The records required under this section.
- (m) The requirements of this section, which apply to a person issued a license, also apply to a person who:
- (1) does not obtain a license; and
  - (2) conducts an activity for which a license is required.
- (Natural Resources Commission; 312 IAC 9-9-3; filed May 12, 1997, 10:00 a.m.: 20 IR 2727; errata filed Jun 2, 1997, 3:20 p.m.: 20 IR 2789; filed May 28, 1998, 5:14 p.m.: 21 IR 3729; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)*

### **312 IAC 18-3-13 Permit to move, plant, or distribute Rosa multiflora or Lythrum species**

Authority: IC 14-24-12-9

Affected: IC 14-24-5; IC 14-24-7

Sec. 13. (a) This section governs the anthropogenic movement and distribution of *Rosa multiflora* and *Lythrum* species in Indiana.

(b) Except as provided by this section, a person must not plant *Rosa multiflora* in Indiana.

(c) Except as provided in this section, a person must not sell, offer for sale, give away, or otherwise distribute seeds or plants of any species of *Lythrum* (commonly known as purple loosestrife) in Indiana.

(d) A nurseryman whose nursery has been inspected and certified under IC 14-24-5, and who holds a nursery dealer's license issued under IC 14-24-7, may plant *Rosa multiflora* for use as grafting stock in growing roses in the nursery subject to the following conditions:

- (1) The nurseryman informs any division inspector who inspects the nursery of the presence of, and every site where, the grafting stock is located.
- (2) Except upon written permission by the division director, *Rosa multiflora* is not sown or grown in the field as nongrafted stock. The written permission shall be noted on the nursery certificate at the time the nursery is certified.

(e) Species of *Lythrum* native to Indiana may be sold or distributed for an approved project or activity according to a prior permit issued as follows:

- (1) An application must be completed by the permit applicant on a department form and delivered to the division. This application shall include the following:
  - (A) The scientific name of the species to be sold or distributed.
  - (B) The character (examples include marsh, upland, dominant shrub habitat, and mixed forest) of the site where the species is to be taken.
  - (C) A topographic map of the site clearly marked to indicate the specific site to which the plant material is to be taken.
  - (D) The source of the plants to be distributed.

- (E) Certification that the plants are not hybrids of *Lythrum salicaria* or *Lythrum virgatum*. The certification may be verified by a person identified by the division of nature preserves of the department or by gene testing methodologies through qualified laboratories. The applicant is responsible for the cost of certification.
- (2) Permits will be considered on an individual site or site and project basis.
- (3) Unless otherwise specified, the duration of a permit is ninety (90) days.
- (f) The state entomologist may issue a license to a person to obtain and possess *Lythrum* as follows:
  - (1) The person may lawfully possess the *Lythrum* solely for one (1) or more of the following purposes:
    - (A) The production of biological control organisms directed to *Lythrum* growing in the wild.
    - (B) Research into the biology of these biological control organisms.
    - (C) Related educational programs.
  - (2) A person issued a license under this subsection must take reasonable precautions to prevent the release of seeds or other viable parts of the *Lythrum* plants to the wild. Disposal of plants shall, if practicable, be performed by incineration. If facilities to incinerate plants are not available, the plants must be disposed at sites already heavily infested with species of *Lythrum* that are not native to Indiana.
  - (3) The state entomologist may place any conditions on the placement of a license that are determined necessary or appropriate under IC 14-24 or this section. Included among these conditions are the following:
    - (A) A requirement the applicant act under the auspices of a regional program sponsored by a biological control laboratory.
    - (B) A requirement the applicant obtain written permission from a landowner before digging or removing plants to be possessed under the license.
    - (C) A requirement the applicant display a copy of the license at the site where the *Lythrum* plants are being grown.
  - (4) A license issued under this subsection also authorizes a program coordinator to provide to the license holder *Lythrum* plants that include biological control organisms.
- (g) A person is subject to a civil penalty of five hundred dollars (\$500) for each site where *Rosa multiflora* or *Lythrum* is maintained or distributed in violation of this section. Each year that the species is maintained or distributed constitutes a separate offense. In addition, a person may be required to destroy any unlawful plants and to restore and reclaim the site with native or other approved species.

*(Natural Resources Commission; 312 IAC 18-3-13; filed Nov 22, 1996, 3:00 p.m.: 20 IR 952; filed Mar 23, 2001, 3:00 p.m.: 24 IR 2403; readopted filed Oct 2, 2002, 9:10 a.m.: 26 IR 546; readopted filed Sep 19, 2008, 10:23 a.m.: 20081008-IR-312080076RFA)*

### **312 IAC 18-3-20 Regulation of Brazilian elodea, a pest or pathogen**

Authority: IC 14-10-2-4; IC 14-24-3

Affected: IC 14-24

Sec. 20. (a) Brazilian elodea (*Egeria densa*) is an exotic plant that has infested Indiana lakes, rivers, and other waterways in Indiana.

(b) Brazilian elodea is a pest or pathogen regulated under this section. This regulation applies to any life stage of Brazilian elodea.

(c) Except as provided in subsection (e), in Indiana a person must not do the following:

- (1) Possess, sell, offer for sale, gift, barter, exchange, or distribute *Egeria densa* as an outdoor water plant.
- (2) Allow Brazilian elodea to infest any of the following:
  - (A) A lake.
  - (B) A river.
  - (C) A pond.
  - (D) An outdoor water garden.
  - (E) A waterway.
- (3) Transport Brazilian elodea on or within any of the following:
  - (A) A boat.
  - (B) A trailer.

- (C) A motor vehicle.
  - (D) A bait bucket.
  - (E) Fishing gear.
  - (F) A creel.
  - (G) Tackle.
  - (H) A tackle box.
  - (I) Another aquatic appurtenance.
- (d) A property owner who has Brazilian elodea in an outdoor environment must take lawful efforts to eliminate this species.
- (e) Exempted from this section are the following:
- (1) A retail or wholesale business that sells Brazilian elodea for use within an indoor aquarium.
  - (2) A person who possesses Brazilian elodea within an indoor aquarium.
  - (3) A person who possesses Brazilian elodea under a permit issued by the state entomologist for scientific research, a contained use, or education.
  - (4) A person engaged in a project approved by the state entomologist for the destruction of Brazilian elodea.
- (f) The state entomologist may issue a permit to a qualified applicant to engage in scientific research, a contained use, or education. If appropriate to the purposes of this section, the state entomologist may issue an order to modify a permit issued under this subsection.

*(Natural Resources Commission; 312 IAC 18-3-20; filed Jul 10, 2007, 2:15 p.m.: 20070808-IR-312060570FRA; readopted filed Sep 19, 2008, 10:23 a.m.: 20081008-IR-312080076RFA)*

### **312 IAC 18-3-21 Control of hydrilla (*Hydrilla verticillata*)**

Authority: IC 14-10-2-4; IC 14-24-3

Affected: IC 14-24

Sec. 21. (a) Hydrilla (*Hydrilla verticillata*) is a pest or pathogen. This section:

- (1) governs the standards for the control of Hydrilla; and
  - (2) applies to any part or life stage of Hydrilla.
- (b) Except as provided in subsection (d), a person must not do the following:
- (1) Possess, sell, offer for sale, gift, barter, exchange, or distribute Hydrilla.
  - (2) Allow Hydrilla to infest any:
    - (A) lake;
    - (B) river;
    - (C) pond;
    - (D) outdoor water garden;
    - (E) waterway; or
    - (F) aquarium.
  - (3) Transport Hydrilla on or within any:
    - (A) boat;
    - (B) trailer;
    - (C) motor vehicle;
    - (D) bait bucket;
    - (E) fishing gear;
    - (F) creel;
    - (G) tackle;
    - (H) tackle box; or
    - (I) other aquatic appurtenance.
- (c) A person who owns property that is infested with Hydrilla must take lawful efforts to eliminate the species.
- (d) Exempted from this section are the following:
- (1) A person who possesses Hydrilla under a permit issued by the state entomologist for:
    - (A) scientific research;
    - (B) a contained use; or
    - (C) education.

- (2) A person engaged in a project approved by the state entomologist for the destruction of Hydrilla.
- (e) Any lake, river, or other waterway in which Hydrilla is located is regulated to prevent the dissemination of Hydrilla to other waterways.
- (f) A person who discovers Hydrilla in a lake, river, or other waterway must report the discovery to a department fisheries biologist or at the following address:
- Department of Natural Resources  
Division of Fish and Wildlife  
Aquatic Nuisance Species Coordinator  
402 West Washington Street, Room W273  
Indianapolis, IN 46204
- (g) The report required under subsection (f) must include each of the following:
- (1) The location of the discovery, including the name of the county and the waterway.
  - (2) The date of the discovery.
  - (3) Contact information for the person making the report, including the telephone number and address.
- (h) After preliminary review of a report submitted under subsection (g), the department may consult with an expert identifier for confirmation.
- (i) The state entomologist or his or her designee may issue a compliance agreement to establish the means by which a person achieves compliance with this section.
- (j) The state entomologist may issue a permit to a qualified applicant to engage in:
- (1) scientific research;
  - (2) a contained use; or
  - (3) education.

If appropriate to the purposes of this section, the state entomologist may issue an order to modify a permit issued under this subsection.

*(Natural Resources Commission; 312 IAC 18-3-21; filed Nov 16, 2007, 1:44 p.m.: 20071212-IR-312070186FRA; readopted filed Sep 19, 2008, 10:23 a.m.: 20081008-IR-312080076RFA)*